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February 14, 2006

VIA FEDERAL EXPRESS

Honorable Kiyo A. Matsumoto United States District Court Cadman Square Brooklyn, NY

Re: Weiss et al. v. National Westminster Bank PLC, 05-CV-4622

Dear Judge Matsumoto:

I am one of the Plaintiffs' counsel in the above-captioned action. I enclose herewith a Motion for Issuance of Commission to Court Reporter for Deposition in Israel. The *de bene esse* deposition of Steven Averbach, a quadriplegic, will be taken on March 1, 2006 in Israel by consent of the defendant. Counsel for defendant will participate by videoconference. Defendant has consented to the Motion. May I ask that, if the Motion is acceptable to your Honor, a signed Order be issued by February 22.

Respectfully yours,

Robert A. Swift

RAS:pdw

Enc.

Cc via fax: Lawrence Friedman, Esquire

EASTERN DISTRICT OF NEW YORK	v	
TZVI WEISS, et al.	X :	
	:	
Plaintiffs,	:	05-CV-4622 (CPS)(KAM)
	;	
-against-	:	
	:	
NATIONAL WEST CHICKED DANK DES	:	
NATIONAL WESTMINSTER BANK, PLC,	:	
	:	
Defendant.	:	

INITED STATES DISTRICT COURT

NOTICE OF DEPOSITION

Plaintiffs in the above captioned action, by their below signed counsel, will take the deposition of plaintiff Steven Averbach on March 1, 2006 at Ayalon House, 16th Floor, 12 Abba Hillel Street, Ramat-Gan P.O.B. 3306, Israel beginning at 2:30 pm. The deposition will be before a court reporter commissioned by the United States Court. The deposition will be videotaped as well as stenographically reported. Counsel for defendant will be able to participate via videoconferencing from a technically equipped facility in New York City provided that they give counsel for plaintiffs sufficient advance notice of the location, telephone number and technical details.

2-14-06

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

TZVI WEISS, et al.

Plaintiffs,

05-CV-4622 (CPS)(KAM)

-against-

PLAINTIFFS' MOTION FOR ISSUANCE OF COMMISSION TO COURT REPORTER FOR

NATIONAL WESTMINSTER BANK, PLC,

Defendant.

DEPOSITION IN ISRAEL

Plaintiffs, by their undersigned counsel, respectfully move for an Order pursuant to FRCP 28(b)(4) to issue a commission to Ms. Carmelita Lee of Tel Aviv, Israel to administer the oath and record testimony at the *de bene esse* deposition of Mr. Steven Averbach scheduled

to be taken on March 1, 2006 in Tel Aviv, Israel. Ms. Lee is a resident of Israel, is over 21 years

of age, and is a practicing court reporter with 9 years experience as a court reporter in the United

States District Court for the Central District of California. A copy of the deposition notice is

attached hereto. Rule 28(b)(4) provides that a "[d]eposition may be taken in a foreign country ...

(4) before a person commissioned by the court, and a person so commissioned shall have the power by virtue of the commission to administer any necessary oath and take testimony."

Defendant consents to this Motion.

Dated: February 나, 2006

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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

TZVI WEISS, et al.

Plaintiffs,

05-CV-4622 (CPS)(KAM)

-against-

COMMISSION TO COURT REPORTER FOR DEPOSITION

SCHEDULED IN ISRAEL

NATIONAL WESTMINSTER BANK, PLC,

Defendant.

It appearing that the de bene esse deposition of Mr. Steven Averbach will be taken on March 1, 2006 in Tel Aviv, Israel at the request of counsel for Plaintiffs, the Court hereby ORDERS pursuant to Fed.R.Civ.P. 28(b)(4) that a Commission is hereby granted to Ms. Carmelita Lee of Hod Nasiyim, Israel to administer the oath and take testimony at the deposition of Mr. Averbach.

BY THE COURT:

DATED: February ,2006

Kiyo A. Matsumoto

United States Magistrate Judge